

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7229 of 1992

with

SPECIAL CIVIL APPLICATION NO 7230 of 1992

with

SPECIAL CIVIL APPLICATION NO 7236 of 1992

with

SPECIAL CIVIL APPLICATION NO 7239 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
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3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KALOL NAGAR PALIKA

Versus

KANTILAL TRIVEDI

Appearance:

MR MUKESH R SHAH for Petitioner

MR NILESH M SHAH for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/02/98

ORAL JUDGEMENT

These four petitions arise of a common judgment and award passed by the Labour Court on Recovery Applications Nos. 65 of 1984 to 68 of 1984 passed by the Labour Court, Kalol, on 30th June, 1992. The workmen are serving in the petitioner Municipality as Sanitary Head Supervisor and Sanitary Supervisors respectively. The workmen claimed that in view of the award declared by the Industrial Tribunal on reference (IT) 249/76 on dated 7th November, 1977 the workmen were entitled to revised pay-scale with effect from 1st January, 1973 recommended by the Desai Pay Commission. It appears that on 9th August, 1980 the General Body of the Municipality passed a Resolution conferring the benefit of the revised pay-scale of Rs.260-430 and Rs.260-400 in respect of Sanitary Head Supervisors and Sanitary Supervisors respectively with effect from 1st January, 1973. The said resolution however was not implemented giving rise to the above referred applications. Pending the said Recovery Applications, the Resolution was sent to the Director of Municipalities for approval which was rejected under Order dated 7th November, 1985. The said order dated 7th November, 1985 was confirmed by this court by an order made on Spl. Civil Application No.151 of 1985 on 11th March, 1986. However, pending the said Recovery Applications, on 28th June, 1991 the Municipality passed a fresh resolution conferring the benefits of higher pay-scale claimed by the Sanitary Head Supervisors and Sanitary Supervisors. The said resolution has been approved by the Director of Municipalities under its order dated 8th October, 1991. Sanitary Head Supervisors have been sanctioned a pay-scale of Rs.260-430 and the Sanitary Supervisors have been sanctioned a pay-scale of Rs.260-400.

In view of the aforesaid resolution dated 28th June, 1991 and the approval granted on 8th October, 1991, the judgment and award passed by the Labour Court does not call for any interference by this court. Petitions are therefore dismissed. Rule is discharged. There shall be no order as to costs.

Under the interim order made by this court on 22nd February, 1993, the Workman have been paid 50% of the amount awarded by the Labour Court. The workman shall be paid the remaining 50% of the award amount alongwith the interest at the rate of 10% p.a. from the date of the award till the date of payment. Such payment should be made within the period of six weeks from today.

In the event, the petitioner-Municipality fails to pay the remaining 50% of the award amount alongwith the interest within six weeks as directed hereinabove, such amount and the interest payable shall carry a further interest of 10% p.a. from the date of this order.

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